

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

**AUDIE GRUNWALD,**  
Plaintiff,

CV 10-183-JE

OPINION AND ORDER

v.

**MICHAEL J. ASTRUE, Commissioner  
of Social Security,**  
Defendant.

**MOSMAN, J.,**

On December 30, 2010, Magistrate Judge Jelderks issued his Findings and Recommendation (“F&R”) (#18) in the above-captioned case recommending that the Commissioner’s decision should be affirmed and that the action be dismissed with prejudice. No objections were filed.

**DISCUSSION**

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to

review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any of the magistrate judge's F&R. 28 U.S.C. § 636(b)(1)(C).

Upon review, I agree with Judge Jelderks's recommendation, and I ADOPT the F&R (#18) as my own opinion.

IT IS SO ORDERED.

DATED this 10th day of February, 2011.

/s/ Michael W. Mosman  
MICHAEL W. MOSMAN  
United States District Court